

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

WORCESTER DIVISION

C.A. No. 4:09-cv-40041

SAMUEL CHENG,
Plaintiff

vs.

SUNOCO, INC. (R&M),
Defendant

**MOTION OF DEFENDANT/COUNTERCLAIMANT SUNOCO, INC. (R&M)
FOR PARTIAL SUMMARY JUDGMENT**

Defendant/Counterclaimant Sunoco, Inc. (R&M) (hereinafter “Sunoco”) hereby moves, pursuant to Fed. R. Civ. P. 56, for partial summary judgment with respect to its counterclaim against Plaintiff Samuel Cheng (hereinafter “Mr. Cheng”) for declaratory judgment.

As support, Sunoco relies upon and incorporates by reference the accompanying Memorandum of Law.

SUNOCO, INC. (R&M)
By its Attorneys,

_____/s/ Michael E. Levinson
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CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I hereby certify that I have conferred with the opposing counsel in this case and have attempted, in good faith, to resolve or narrow the issue addressed by this motion.

_____/s/ Michael E. Levinson, Esq.
Michael E. Levinson, Esq.

CERTIFICATION

It is hereby certified that on the 30th day of July, 2010, a true copy of the within was filed electronically and it is available for viewing and downloading from the ECF system. The following counsel of record will receive notice of the filing of this document electronically from the United States District Court for the District of Massachusetts:

Nathaniel D. Pitnof, Esq.
100 Grove Street, Suite 311
Worcester, Massachusetts 01605

_____/s/ Michael E. Levinson, Esq.
Michael E. Levinson, Esq.